

MISC. CIVIL APPLICATION NO. 529 OF 1990.

Date of decision: 8.1.1996.

For approval and signature

The Honourable Mr. Justice S. M. Soni

and

The Honourable Mr. Justice R. R. Jain

Petitioner absent though served with notice.

Mr. R.A. Mishra, advocate for respondents.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.M. Soni & R.R. Jain, JJ.

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January 8, 1996.

Oral judgment (Per Soni, J.)

Grievance for which the present application is filed pertains to arrears of salary. It appears from the record that the petitioner has been reinstated in service. Despite the fact that a fresh notice being served, the petitioner is not present before the Court. Claim of the petitioner which now survives is only for the arrears of salary. In view of these facts, we are of

the opinion that the arrears can be recovered by execution as per our judgment in Misc. Civil Application No.1949 of 1994. Therefore, the application is liable to be dismissed and is hereby dismissed. Rule discharged. No costs.